

# Appeal Decision

Site visit made on 6 October 2020

**by D Cramond** BSc MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2020**

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**Appeal Ref: APP/R3650/D/20/3250658**

**Hestia, Waverley Lane, Tilford, GU10 2AW,**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Giles Walker against the decision of Waverley Borough Council.
  - The application Ref WA/2019/1690, dated 2 October 2019, was refused by notice dated 23 January 2020.
  - The development proposed is a car port and store and ancillary accommodation.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. I consider the main issues are:-
  - Whether the proposal constitutes an inappropriate form of development within the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy.
  - The effect of the development on the openness of the Green Belt.
  - If the development is inappropriate to the Green Belt for the purposes of the Framework and development plan policy, whether the harm by reason of that inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to exist to justify the development.

## Reasons

3. The appeal site is a well screened area of about 1.75Ha in a countryside location and is accessed via a track off the main highway. It was previously the site of Keepers Cottage farm and stud. This has now been demolished and permission for a substantial new dwelling that was granted in May 2019 ( Ref WA/2019 /0235) has been confirmed by the Council as commenced. At the time of my visit the works involved had been demolition and some site preparation rather than any obvious new structures.
  4. The appeal proposal is as described above and would include 2 double open bays for 4 cars with log store, bicycle storage, pool plant room and store. Dimensions would be about 7m depth, 24m width with eaves of some 2.8m and a maximum ridge height of up to 6.1m.
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*Whether the proposal is inappropriate development*

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The national policy advice has to be read together with the relevant development plan policy which in this case includes Policy RE2 of the Waverley Borough Local Plan (Part 1) and Retained Policy RD3 of the Local Plan 2002. These policies align with the Framework.
6. The Framework does identify that the overall inappropriateness approach for the construction of new buildings has exceptions. The Appellants make the case that an exception would apply at the appeal site and identify three scenarios.
7. It is put that the Framework's paragraph 145 c) criteria could apply in that the appeal scheme could be seen as an extension of the new approval. In other words seeing the new approval as the 'original dwelling' and not adding disproportionate additions over and above its size. I find this flawed on two counts. Firstly the new approval does not represent an original dwelling as it is not built as yet. Secondly even if one took that as the original dwelling the proposal is in any event well removed from that dwelling as planned and so is not an extension.
8. The Appellants point to 145 d) which provides for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The case is made that the on the cleared site there was previously ground coverage of some 1,273 sqm and the approved scheme which has now commenced along with the proposed development would amount to about 1,036 sqm. I find this flawed in that there is no building standing to be replaced; the replacement permission has been granted and the works started on that scheme. Furthermore, and in any event, I do not accept that footprint should be the only assessment used to determine 'materially larger'; for example I have no evidence before me on comparative bulk, mass, height or volume.
9. The Appellants' third scenario looks at 145 g) which provides for "... complete redevelopment of previously developed land ...". However there is a clear caveat on this allowance in that any scheme must "... not have a greater impact on the openness of the Green Belt than the existing development ...". As I said above there is no existing development other than the commenced work for the new dwelling. Furthermore even if I took the view that the previous buildings on the site make this previously developed land notwithstanding the commencement of works for the new dwelling in rather the same way as with the 'materially larger' issue I would not be satisfied that this appeal scheme would not have a greater impact on the openness of the Green Belt.
10. On the first issue, I therefore conclude that this proposal would represent inappropriate development for the purposes of the Framework and the development plan. I attach substantial weight to the harm caused by this scheme representing inappropriate development.

*Effect on Openness*

11. The Framework makes it clear that an essential characteristic of Green Belts is their openness. Open can mean the absence of development irrespective of

the degree of visibility of the land in question from public vantage points; development which would harm openness could be acceptable visually. In other words, openness of the Green Belt has a spatial aspect as well as a visual aspect and the absence of visual intrusion, or the presence of screening, does not in itself mean that there is no impact on the openness of the Green Belt as a result of development. In this case the proposal would involve the addition of considerable built form both in its own right and relative to the commenced new dwelling. The change over the approved situation would be appreciable and the scheme would make a marked difference to openness within this area.

12. I conclude that there would be conflict with a key objective of the Framework and the development plan and I attach substantial weight to this impact upon openness of the Green

*Other considerations*

13. The Appellants point in a non-specific way to 'permitted development' and what they consider to be the 'fall-back position'; in other words the garaging and storage ambitions could be met in some other way if not via this appeal route. The background is that the extant permission WA/2019/0235 has no planning conditions removing permitted development. I do appreciate these points and understand why they are made but the fact remains that in this instance those are hypothetical situations, the tests for suitability or otherwise are not Green Belt policy based, and I have a planning application appeal before me to determine on the appropriate basis.
14. A design case is put and I would agree that taken in isolation the planned design is of reasonable quality and I would assess the siting in itself as not illogical.
15. There is a stated wish to create a sustainable energy balance on the site whilst allowing space for maintenance machinery and bicycles and plant. The Appellants see no other suitable alternatives. The open sided log store and the enclosed plant room is to run a safe and acceptable wood burning boiler on the site in close proximity to the pool. There is a need to dry wood only possible undercover and with a good air circulation. To a degree I can appreciate a storage argument.
16. The case is made that secure storage is necessary in this relatively remote location. Security of the site and its contents must be a consideration for the Appellants.
17. The Appellants indicate that there would be a relatively small increase in the floorspace and footprint resulting from the barn being allowed when taken in the context of the large approved dwelling. I touch on this above and I am not persuaded.
18. The point is made that the car barn would be largely open to reduce impact and enclosure. The bulk and height of building would nevertheless appear substantial to my mind.
19. It is highlighted that the scheme is sited partly on the area approved already for the parking of cars. However uncovered parking would not have such an effect on openness as the appeal scheme.

20. The Appellants would like to be able to keep cars and storage under cover and close to the main complex and store bikes safely. It is normally a requirement of a new approval to have a safe bike storage facility on new development. I understand and would agree with this; effectively the determining matter is one of scale.
21. The Appellants do not want a plant room in the pool house with its guest accommodation for aesthetic, noise and disturbance reasons. The pool room is a very substantial structure by any measure but I recognise the Appellants aspirations for its internal space.
22. I acknowledge all the points made within the Appellants' submission and I would give each of the considerations put forward by the Appellants limited weight.

*Balance and conclusions*

23. In accordance with the terms of the Framework, the proposed development would represent an inappropriate form of development in the Green Belt. The Framework requires that substantial weight must be attributed to harm by way of inappropriateness to the Green Belt. Additionally, I have found above that the proposal would be unacceptably harmful to the openness of the Green Belt and this matter also carries substantial weight.
24. Whilst I have afforded weight in the planning balance to the other considerations raised in support of the development these, either individually or taken together, do not clearly outweigh the harm to the Green Belt and the other harm which I have identified. Therefore, very special circumstances do not exist and permission should not be granted as the proposal is contrary to guidance in the Framework and development plan policies.

*Overall conclusion*

25. My overall conclusion is that the proposal would not accord with the pertinent elements of the Framework and the development plan. The appeal should therefore fail.

*D Cramond*

INSPECTOR